

**REMARKS**

This Application has been carefully reviewed in light of the Official Action mailed August 18, 1998. In order to advance prosecution of this case, Applicant amends Claim 19 in order to present Claim 19 in better form for consideration on appeal pursuant to 37 C.F.R. § 1.116(a). Applicant makes no admission that this amendment was necessary or made as a result of any prior art. Applicant respectfully requests favorable action in this case.

**Summary of Telephonic Interview**

Applicant's attorney, Mr. Barton E. Showalter, conducted a telephonic interview with Examiner Myhre on September 2, 1998. In response to the Examiner's interview summary mailed on September 8, 1998, and pursuant to MPEP § 713.04, Applicant submits this summary of the telephonic interview to record Applicant's understanding of the substance of the interview. If Applicant's understanding is inaccurate, notice of such is appreciated.

Attorneys for Applicant thank the Examiner for the courtesy of his telephonic interview. Applicant respectfully submits that the Examiner's understanding of the "novelty of the invention" as summarized in the Examiner's interview summary is inaccurate and, therefore, does not admit to any such characterization by the Examiner. During the interview, Applicant's representative and the Examiner discussed Claims 1, 4, and 5 as representative of the various patentable aspects disclosed in all of the pending claims. Applicant respectfully disagrees with any characterization by the Examiner that the "novelty of the invention" is limited to certain claims. Applicant also disagrees with the Examiner's view that Applicant agreed to amend the claims.

Moreover, the Examiner incorrectly interprets the scope of Claims 1, 4, and 5 to include, "a knowledge matrix in which a knowledge item consists of a step of a process and an instance of a data item." Instead, Claim 2 recites, in part, that "knowledge items comprise a step of a process item and an instance of a data item." Furthermore, the Examiner further stated incorrectly that the "process cycle grid and the data cycle grid contained status information pertaining to the need." In doing so, the Examiner fails to appreciate the association between a "selected need" and "a process item associated with the selected need," or the association between a "selected need" and "a data item associated with the selected need," as recited, in part, in Claim 5. Accordingly, the Applicant respectfully submits that "a process cycle grid" is "operable to store status information on a step of the identified process item," and that "a data cycle grid" is "operable to store status information on an instance of the identified data item," as recited, in part, in Claim 5.

Also based on this interview, the Examiner indicated that he will consider withdrawing the final rejection issued on August 18, 1998. Accordingly, Applicant requests again that the Examiner withdraw the finality of the rejection issued on August 18, 1998 and enter any amendments to the claims filed in this response.

#### **General Remarks**

At the outset, Applicant notes that the Examiner no longer relies on U.S. Patent No. 5,263,126 issued to Chang ("Chang") as a basis for rejecting the inventive concepts of the present invention. Instead, the Examiner relies primarily on U.S. Patent No. 5,675,745 issued to Oku, et al. ("Oku") despite particular disadvantages acknowledged both explicitly and implicitly by the Examiner. For example, the Examiner acknowledges that Oku fails to disclose or suggest a knowledge matrix, status information, personal profiles, default

profiles or access statistics. *Oku's* pedestrian database searching is simply irrelevant to Applicant's invention. Faced with these limited teachings in *Oku*, the Examiner impermissibly uses hindsight reconstruction to concoct a variety of "it would have been obvious to one skilled in the art" rejections. These rejections flatly disregard several important and patentable aspects of Applicant's invention, such as the unique structure and arrangement of data in a knowledge matrix. Applicant respectfully submits that the Examiner fails to appreciate the unique features and functions of the present invention and oversimplifies the various inventive concepts in order to render them obvious.

For example, the Examiner rejects Claim 1 although acknowledging that *Oku* does not explicitly disclose a "knowledge matrix." Instead, the Examiner asserts that *Oku* infers "using indexes by reference to search the databases." The Examiner therefore concludes that "it would have been obvious to one having ordinary skill in that art at the time that the invention was made to search the knowledge matrix in order to ascertain if the information sought was located in the database." Other examples of hindsight reconstruction and "it would have been obvious" arguments by the Examiner include: "it would have been obvious . . . to identify one or more needs associated with the knowledge worker and then to identify the process and data item associated with the need," (Claim 4); "it would have been obvious . . . to set up a matrix to store status information on each item," (Claim 5); "it would have been obvious . . . to store an indicator of the executed step of a process (execution flag) and to store the identity of the data item instance," (Claim 6); "it would have been obvious . . . to use personal and default profiles for each client or type of client," (Claim 8); "it would have been obvious . . . to track pending requests using a database as a queue," and "to transmit the pending information to the user once it becomes available," (Claims 26-28).

These and other unsubstantiated obviousness arguments indicate the Examiner's lack of appreciation for the unique features and functions of the present invention. Applicant traverses these arguments and respectfully requests that the Examiner produce specific references that disclose the claim limitations that the Examiner concludes are obvious. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the art is one that would have found the claim to be obvious in light of the teachings of the references." MPEP § 706.02(j) (citing *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)). The Examiner shows neither. Instead, the Examiner combines a number of disparate references with a series of "it would have been obvious to one of ordinary skill in the art" arguments to reconstruct the present invention with the benefit of hindsight. This is clearly an impermissible endeavor. See *In re Fritch*, 23 USPQ 2d 1780 (Fed. Cir. 1992).

### **Section 103 Rejections**

The Examiner rejects Claims 1-7, 11-14, and 19-22 under 35 U.S.C. § 103(a) as being unpatentable over *Oku*. Applicant respectfully requests reconsideration of this rejection of Claims 1-7, 11-14, and 19-22.

*Oku* relates in general to the field of organization activity databases, and more particularly to a method for constructing an organization activity database "for registering . . . pieces of information generated in the process of various organization activities." (Column 1, lines 10-29). Significantly, *Oku* limits the use of its organization activity management system to databases "constructed by the data modeling technique of the invention." (Column 20, line

61 through column 21, line 4). Therefore, not only does *Oku* describe a method for modeling and the structure of its databases for use in the organization activity management system, but it teaches away from using other types of databases in the system. A person of skill in the art after reading *Oku* would not be motivated to adopt any other database structure other than the specific structure disclosed in *Oku*.

A section 103 rejection based upon a modification of a reference that destroys the intent, purpose, or function of the invention disclosed in the reference is not proper, and the prima facie case of obviousness cannot be properly made. In short there would be no technological motivation for engaging in the modification or change. To the contrary, there would be a disincentive. *In re Gordon*, 733 F.2d 900, 221 USPQ 25 (Fed. Cir. 1984). *Oku* describes "a data modeling method necessary for constructing an object or entry database" for use in the object-oriented database management system. (Column 9, line 1 through column 10, line 65; column 13, lines 13-52; and column 14, line 60 through column 15, line 31). A significant purpose of the database management system of *Oku* is to use database structures constructed by the data modeling technique of *Oku*. (Column 20, line 61 through column 21, line 4). Applicant respectfully submits that modifying *Oku* to include a database structure other than the specific structure constructed by the data modeling technique of *Oku* would destroy a significant purpose of the invention disclosed in *Oku*.

In general, the data modeling technique of *Oku* collects drawings, business transaction slips, in-house procedures, shop rules, manuals, or other documents in an electronic or printed format and converts the basic concepts of "person, organization, article, document, meeting and event" found in these documents from a "real model" to a "logical model" by performing a domain analysis and a sentence-pattern analysis

upon the documents. (FIGURE 27; and column 17, line 2 through column 18, line 16). The domain analysis "stratifies and defines" the basic concepts, (column 18, lines 53-56), while the sentence-pattern analysis "stratifies" the verbs of each sentence of the subject document according to certain grammatical rules to define the context of the document, (column 18, lines 17-29). Next, the data modeling technique of *Oku* generates a logical model by "integrating the concepts summarized by" the domain-analysis and the sentence-pattern analysis. (Column 19, lines 61-65). Finally, the data modeling technique of *Oku* performs two "essential processes for constructing a database" suitable for use in the *Oku* system. In particular, the logical model is converted into a "mounted model" having a descriptive form suited to a specified database management system, and the mounted model is "optimized". (Column 20, lines 8-17). Significantly, *Oku* limits the use of its organization activity management system to databases "constructed by the data modeling technique of the invention" described above. (Column 20, line 61 through column 21, line 4). A section 103 rejection based upon a modification of *Oku* to include any database structure other than the specific structure constructed by the data modeling technique of *Oku* destroys the purpose of *Oku* and, therefore, is not proper.

The Examiner acknowledges that *Oku* does not disclose a "knowledge matrix." Instead, the Examiner takes official notice that it is well known within the database art to use one or more indexes in database management systems to query and search databases. The Examiner concludes that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to search the knowledge matrix (database index) in order to ascertain if the information sought was located in the database." By equating a "knowledge matrix" as embodied in Claim 1 with a mere "database index,"

the Examiner oversimplifies the inventive concepts of the present invention. In doing so, the Examiner fails to consider each and every limitation found in Claim 1. "All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (citing *In re Wilson*, 424 Fed.2d 1382, 165 USPQ 494, 496 (C.C.P.A. 1970)).

Claim 1 recites, in part, "a client operable to generate a first request . . . a server coupled to the client and operable to receive the first request, the server comprising a knowledge matrix operable to store status information on a plurality of knowledge items associated with the first request, the server operable to generate a second request for the knowledge items if the status information stored in the knowledge matrix indicates the availability of the knowledge item." At least, *Oku* fails to teach, suggest, or disclose a "knowledge matrix operable to store status information" that "indicates the availability of the knowledge item." The Examiner fails to consider these limitations in judging the patentability of Claim 1. Contrary to the Examiner's suggestion, a "database index" also fails to teach, suggest, or disclose a "knowledge matrix operable to store status information" that "indicates the availability of the knowledge item." Applicant therefore respectfully requests reconsideration and allowance of Claim 1.

Claim 2 recites, in part, "the knowledge items comprise a step of a process item . . . and an instance of a data item." Nowhere does *Oku* teach, suggest, or disclose these inventive concepts of the present invention. To reject Claim 2, the Examiner states that *Oku* "discloses searching for a variety of types of data in several database[s], to include a process database." Applicant respectfully states that the Examiner fails to consider each and every word in Claim 2 in judging the patentability of that claim against the prior art. In particular, "searching for a variety of types of data in

several database[s]" in no way teaches, suggests, or discloses, "knowledge items" that "comprise a step of a process item and an instance of a data item," as recited in Claim 2. For at least these reasons, and because Claim 2 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 2.

Claim 3 recites, in part, "the first request identifies a need of the knowledge worker, the knowledge matrix operable to identify knowledge items associated with the need of the knowledge worker." *Oku* fails to teach, suggest, or disclose this association between "knowledge items" and a "need of the knowledge worker." For at least these reasons and because Claim 3 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 3.

As to Claim 4, the Examiner acknowledges that *Oku* fails to teach, suggest, or disclose a "knowledge matrix." Instead, the Examiner relies upon the same oversimplification of a "knowledge matrix" relied upon by the Examiner with regard to Claim 1 combined with the mere mention of a process database in *Oku* to render the inventive concepts of Claim 4 obvious. In particular, the Examiner states that it is obvious that a database would have an index, and that queries for multiple items in a database may be submitted concurrently. Based upon this reasoning, the Examiner summarily concludes that "it would have been obvious . . . to identify one or more needs associated with the knowledge worker and then to identify the process and data items associated with the need." In doing so, the Examiner fails to appreciate the unique association among knowledge workers, needs, process items, and data items of the present invention, as recited in Claim 4. For example, *Oku* fails to teach, suggest, or disclose a "knowledge worker grid operable to identify a plurality of needs associated with the knowledge worker, the knowledge worker grid operable to



relate the first request to a selected need . . . a process grid operable to identify a process item associated with the selected need . . . and a data grid operable to identify a data item associated with the selected need," as recited, in part, in Claim 4. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 4.

As to Claim 5, the Examiner summarily concludes that it would have been obvious to set up a matrix to store status information on each knowledge item. The Examiner provides no basis grounded in *Oku* for such a conclusion. There is simply no teaching of "status information" in *Oku*. *Oku* certainly fails to teach, suggest, or disclose "a knowledge worker grid . . . a process grid . . . a data grid . . . a process cycle grid operable to store status information on a step of the identified process item . . . and a data cycle grid operable to store status information on an instance of the identified data item," as recited, in part, in Claim 5. For at least these reasons and because Claim 5 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 5.

As to Claim 6, the Examiner states, without any support in any cited reference, that "a process . . . is fluid and consists of one or more steps used to complete an action," and that "an instance of a data item is static and unchanging." The Examiner therefore concludes that it would have been obvious to store an indicator of the executed step of a process and an identity of an instance of a data item in view of the differing dynamics of the information involved. Significantly, the Examiner provides no basis or motivation grounded in *Oku* for such a conclusion. *Oku* fails to teach, suggest, or disclose "status information" in general and certainly fails to teach, suggest, or disclose "status information" that comprises "an execution flag associated with

a step of a process item . . . and a data identifier associated with an instance of a data item," as recited, in part, in Claim 6. For at least these reasons and because Claim 6 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 6.

Claim 7 depends on Claim 1, which Applicant has shown above to be allowable. Applicant therefore respectfully requests reconsideration and allowance of Claim 7.

The Examiner also relies solely on the limited teachings of *Oku* to reject claims 11-14 and 19-22 using the same unsubstantiated rejections as Claims 1-7 above. For at least the reasons stated above regarding Claims 1-7, Applicant respectfully requests reconsideration and allowance of Claims 11-14 and 19-22.

The Examiner rejects Claims 8, 18, and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Oku* in view of *Srinivasan*. Applicant respectfully requests reconsideration of this rejection of Claims 8, 18, and 23.

As to Claim 8, Applicant respectfully submits that the Examiner fails to appreciate the scope of Claim 8. In particular, the Examiner incorrectly interprets Claim 8 to include a limitation regarding authorization levels. The Examiner proceeds to cite a reference, *Srinivasan*, that teaches the use of passwords for authorization of input mail or faxes. Therefore, the Examiner relies upon a misguided premise to support the conclusion that the *Oku-Srinivasan* combination renders Claim 8 obvious. Significantly, however, nowhere does the *Oku-Srinivasan* combination teach, suggest, or disclose the use of a "personal profile . . . that specifies the knowledge worker and a selected knowledge worker view" or a "default profile associated with a corresponding knowledge worker view," as recited in Claim 8. Furthermore, since profiles are not necessary to authorize incoming mail or faxes as discussed in *Srinivasan*, *Srinivasan* provides no better

basis, suggestion, or motivation than *Oku* to include personal or default profiles. The Examiner states that *Oku*'s discussion of "client environments" would motivate one of ordinary skill in the art to use the inventive concepts embodied in Claim 8. The Examiner, however, fails to identify what aspects of the "client environments" or the relevance of these aspects that would provide such a motivation. For at least these reasons and because Claim 8 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 8.

For at least the reasons set forth above with regard to Claim 8 and because Claims 18 and 23 depend on Claims 11 and 19 respectively, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claims 18 and 23.

The Examiner rejects Claims 9, 15, 17, 24, and 26-28 under 35 U.S.C. § 103(a) as being unpatentable over *Oku* in view of *Srinivasan* and further in view of U.S. Patent No. 5,499,340 issued to Barritz ("*Barritz*"). Applicant respectfully requests reconsideration of this rejection of Claims 9, 15, 17, 24, and 26-28.

As to Claim 9, Applicant respectfully notes that the Examiner fails to respond to remarks previously made by the Applicant regarding the *Barritz* reference. Accordingly, Applicant reiterates that *Barritz* is limited to monitoring the instantiation of previously identified **executable** files. (Column 4, line 64 through column 5, line 18). In particular, *Barritz* discloses separating **executable** files, such as software programs, from **non-executable** files, such as databases, and monitoring only the **executable** files. (Column 4, line 64 through column 5, line 18). By limiting the scope of monitoring to the instantiation of executable files only, *Barritz* is inoperable "to generate access statistics in

response to the interaction between the client and the server," as recited, in part, in Claim 9. For at least these reasons and because Claim 9 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 9.

For the reasons set forth above in regards to Claim 9, and because Claim 15 depends on Claim 11, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 15.

As to Claim 17, Applicant respectfully notes that the Examiner fails to respond to remarks previously made by the Applicant regarding *Oku*. Accordingly, Applicant reiterates that *Oku* fails to disclose a system with a "pending matters" section. Rather, *Oku* teaches a system with a "**depending** matters" section. In particular, Applicant refers the Examiner to FIGURES 60 and 61 of *Oku* to clarify the inaccurate references to "pending matters" at column 23, line 31-36 in *Oku*. FIGURES 60 and 61 of *Oku* clearly use the terms "depending" and "depending matters." Furthermore, the term "pending matters" referenced in *Oku* at Column 23, line 31-36 is inconsistent with other concepts of *Oku* when read in the appropriate context. Therefore, *Oku* fails to teach, suggest, or disclose a "pending module" or a "pending queue." Furthermore, *Srinivasan* is limited to reminding task leaders about start and finish dates associated with pending tasks. (Column 3, lines 6-8). Certainly, a "notification" or "reminder" function regarding tasks yet to be completed fails to teach, suggest, or disclose a "pending module" or a "pending queue," as recited in Claim 17. Moreover, as stated above, *Barritz* teaches away from monitoring non-executable files such as databases. Nowhere does the *Oku-Srinivasan-Barritz* combination teach, suggest, or disclose "a pending module coupled to the control module, the pending module

operable to identify an unavailable knowledge item . . . and a pending queue coupled to the pending module and operable to store information on the unavailable knowledge item," as recited, in part, in Claim 17. For at least these reasons and because Claim 17 depends on Claim 11, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 17.

For the reasons set forth above with regard to Claim 9 and because Claim 24 depends on Claim 19, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 24.

As to Claims 26-28, the Examiner summarily concludes that it would have been obvious to track pending tasks and transmit pending information to a user when it becomes available. The Examiner provides no basis, motivation, or suggestion grounded in the cited references for such a conclusion. As stated above regarding Claim 17, *Oku* teaches a system with a "**depending** matters" section. *Barritz* does not even contemplate a "pending module" or a "pending queue." The *Srinivasan* system is limited to reminding task leaders regarding the start and finish dates of pending tasks. (Column 3, lines 6-8). The *Oku-Srinivasan-Barritz* combination fails to teach, suggest, or disclose "a pending module . . . operable to identify a knowledge item as unavailable and further operable to service the first request upon determining that the knowledge item is available . . . and a pending queue . . . operable to store information on the knowledge item identified as unavailable," as recited, in part, in Claims 26 and 27. Furthermore, the *Oku-Srinivasan-Barritz* combination fails to teach, suggest, or disclose, "identifying a knowledge item as unavailable . . . storing information on the knowledge item . . . determining that the knowledge item is now available . . . and servicing the first request," as recited in Claim 28. Claim 26 depends on Claim 1, Claim 27 depends on Claim 11, and Claim 28 depends on Claim 19, which Applicant

has shown above to be allowable. Applicant therefore respectfully requests reconsideration and allowance of Claims 26-28.

The Examiner rejects Claims 10, 16, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Oku* in view of *Srinivasan, Barritz*, and further in view of U.S. Patent No. 5,410,344 issued to Graves, et al ("*Graves*"). Applicant respectfully requests reconsideration of this rejection of Claims 10, 16, and 25.

Applicant respectfully notes that the Examiner fails to respond to remarks previously made by the Applicant regarding *Graves*. Accordingly, Applicant reiterates that *Graves* relates to the field of television media, and more particularly to selecting television programs based on program content and viewer preference. (Column 1, lines 8-10). There is no explicit or implicit reference to "knowledge management" within *Graves* which would suggest to one of ordinary skill in the claimed art of knowledge management systems to combine *Graves* with any other references. Furthermore, *Graves* is limited to modifying a preference file that is generated by soliciting information from a user by a variety of techniques, "including a mailed questionnaire, telephone interview, or by television menu controlled by keys/remote control input." (Column 5, lines 62-66). Therefore, *Graves* requires interaction "with the viewer to solicit his/her preferences regarding programs and program attributes" and modifies the preference file in response to the solicited responses. (Column 6, lines 55-56 and column 7, lines 37-43).

Nowhere does the *Oku-Srinivasan-Barritz-Graves* combination teach, suggest, or disclose a "watch module operable to generate access statistics in response to a knowledge management session between the client and the server, the watch module further operable to modify a personal profile of the knowledge worker in response to the access

statistics," as recited, in part, in Claim 10. Specifically, any pertinent teachings of the *Oku-Srinivasan-Barritz-Graves* combination requires solicitation of the viewer particularly for the purposes of gaining viewer preferences. For at least these reasons and because Claim 10 depends on Claim 1, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claim 10.

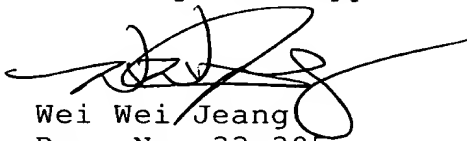
For the reasons stated above with regard to Claim 10, and because Claim 16 depends on Claim 11 and Claim 25 depends on Claim 19, which Applicant has shown above to be allowable, Applicant respectfully requests reconsideration and allowance of Claims 16 and 25.

Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Respectfully submitted,

BAKER & BOTTS, L.L.P.  
Attorneys for Applicant



Wei Wei Jeang  
Reg. No. 33,305

Correspondence Address:

L. Joy Griebenow  
Electronic Data Systems  
5400 Legacy Drive, H3-3A-05  
Plano, Texas 75024

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